

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 22-27 and 29 are pending. Claim 22, 23, and 25-27 are amended to at least correct minor grammatical errors and to conform the claims according to commonly accepted US patent practice.

The courtesies extended to Applicant's representative by Examiner Hassan at the interview held April 24, 2007, are appreciated.

Independent claim 22 is amended to positively recite a tape drive unit comprising:

“a data compression engine configured to selectively apply compression to an incoming data stream and output a compressed data stream;
a buffer memory configured to store said compressed data stream;
a monitoring element configured to monitor a data occupancy level of said buffer memory configured to store said compressed data stream; and
a control element configured to disable said data compression engine based upon a predetermined level of the data occupancy level of the buffer memory.”

Independent claim 25 is amended to recite a data processing device comprising:

“a data compression engine configured to selectively apply compression to an incoming data stream and output a compressed data stream; and
a buffer memory configured to store said compressed data stream;
wherein said device is configured to disable said data compression engine in response to a data occupancy level of said buffer memory being below a predetermined level.”

Claims 23 and 25-27 are amended to positively recite the interconnection of and the functional aspects of the claimed elements according to commonly accepted US patent practice.

Amended and unamended claims 22, 25-27, and 29 are not anticipated by Aoki (US 6,069,763)

The 35 U.S.C. §102(b) rejection of claims 22, 25-27, and 29 over Aoki is respectfully traversed.

A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. Aoki fails to anticipate the subject matter of amended claim 22 because Aoki fails to disclose at least “a monitoring element configured to monitor a data occupancy level of said buffer memory configured to store said compressed data stream . . . ,” as recited in claim 22.

Aoki appears to only disclose, at column 6, lines 30-37 and column 5, line 58 – column 6, line 4, data amount sensing means for sensing a data amount stored in a first memory means for temporarily storing input data. Specifically, unlike the Applicant’s tape drive unit that monitors a data occupancy level in a buffer memory configured to store compressed data, Aoki only discloses sensing a data amount in a first memory that stores uncompressed data, the compression means compressing data stored in the second memory.

Furthermore, unlike Aoki, the Applicant’s control element selectively controls the compression engine that feeds the buffer memory that stores the compressed data stream. Because Aoki only senses uncompressed data, Aoki appears to only suggest controlling the compression of data downstream of the uncompressed first memory buffer that serves as input to the second memory buffer and the compression means. Accordingly, the memory buffers and compression means of Aoki are arranged distinctly different from the compression engine, buffer memory, monitoring element, and control element, as recited in claim 22.

Based on at least the foregoing reasons, Aoki does not disclose, teach or suggest each feature recited in amended claim 22. Therefore, claim 22 is patentable over Aoki, and the rejection is respectfully requested to be withdrawn.

Claims 23 and 24 depend, either directly or indirectly, from claim 22, include further limitations, and are patentable over Aoki for at least the reasons advanced above with respect to claim 1. Accordingly, the rejection of claims 23 and 24 should be withdrawn.

Independent claim 25, 27 and 29 are patentable over Aoki for at least reasons similar to those advanced above with respect to claim 22 and the rejection is respectfully requested to be withdrawn.

Claim 26 depends directly from claim 25, includes further limitations, and is patentable over Aoki for at least the reasons advanced above with respect to claim 25. Withdrawal of the rejection over Aoki is respectfully requested.

Amended and unamended claims 23 and 24 are not obvious over Aoki in view of Langdon Jr. et.al. ("Langdon") (US 6,069,763)

The 35 U.S.C. §103(a) rejection of claims 23 and 24 over Aoki in view of Langdon is respectfully traversed. As submitted above, independent claim 22 is patentable over Aoki. Notwithstanding any disclosure by Langdon regarding a tape transport mechanism for transporting a tape data storage medium past a transducer, Applicant submits that in a manner similar to Aoki, Langdon fails to disclose, teach, or suggest the arrangement of data compression engine, buffer memory, monitoring element, and control element, as recited in claim 22. Accordingly, withdrawal of the rejection under Aoki in view of Langdon is respectfully requested.

Conclusion

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claim 1-6 and 13-22 are earnestly solicited.

Should the Patent and Trademark Office (PTO) believe that anything further would be desirable in order to place this application in even better condition for allowance, the PTO is invited to contact the undersigned at the telephone number set forth below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

Christopher MARTIN


Benjamin Hauptman
Registration No. 29,310

HEWLETT-PACKARD COMPANY

Intellectual Property Administration

P.O. Box 272400

Fort Collins, CO 80527-2400

Telephone: 703-684-1111

Facsimile: 970-898-0640

Date: May 18, 2007

BJH:ERM/tal